

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

DICKSON INDUSTRIES, INC.,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	NO. CIV-02-0467-HE
	)	
PATENT ENFORCEMENT TEAM,	)	
LLC, ET AL.,	)	
	)	
Defendants.	)	

**ORDER**

The parties have filed motions for summary judgment or for partial summary judgment, to which all opposing parties have responded. After review of the extensive briefing on all motions, the court concludes that disputed issues of material fact exist which preclude summary judgment for any party as to issues of patent validity, infringement, or otherwise, except as follows. Because defendant Patent Enforcement Team, LLC, has stated its intention not to maintain its claim of contributory infringement against plaintiff Dickson Industries, Inc.,<sup>1</sup> plaintiff is granted summary judgment on this claim. Accordingly, the pending motions for summary judgment [Doc. Nos. 117, 127, 149, 155, and 158] are **DENIED**, except that plaintiff's motion for partial summary judgment [Doc. # 117] is **GRANTED** as to defendant's contributory infringement claim. Defendant PET's motion for


---

<sup>1</sup>Defendant stated that "unless further evidence to the contrary is revealed through ongoing discovery, PET will not maintain its claim of contributory infringement against Dickson." See defendant's response [Doc. # 126], p. 21. The deadline for conducting discovery under the revised scheduling order has since passed and defendant has not filed any document stating its intention to continue pursuing this claim.

leave to file a surreply [Doc. #199] is **STRICKEN** as **MOOT**.

**IT IS SO ORDERED.**

Dated this 28th day of June, 2007.

  
\_\_\_\_\_  
JOE HEATON  
UNITED STATES DISTRICT JUDGE